IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 6th day of August 2002

Criminal Misc. Bail Application No. 633 of 2002

Order on the Bail Application of the accused-Smt. Laxmi Thapa W/o Dil Bahadur Thapa and Smt. Kanta Thapa W/o Raj Bahadur Thapa, both residents of 59, Dobhalwala, P.S. Kotwali, district Dehradun

CRIMINAL SIDE

Smt. Laxmi Thapa W/o Dil Bahadur Thapa and Smt. Kanta Thapa w/o Raj Bahadur Thapa, both residents of 59, Dobhalwala, P.S. Kotwali, district Dehradun

……Accused

Versus

State of Uttaranchal.

……..Opposite Party.

Arising out of Case Crime No 311 of 2002
Under section 306/498A/304 B I.P.C. and ¾ Dowry Prohibition Act.
Police Station-Kotwali district Dehradun

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant and the learned A.G.A.

According to the prosecution version the accused applicants and other family members used to ill treat the deceased for and in connection with the demand of dowry. The information was divulged in so-called second FIR submitted by the sister of the deceased on 21.05.2002. In it, it has also been mentioned that the victim once complained to her that her husband was having illicit relations with his sister-in-law. From the perusal of medical evidence it is evident that it is a case of hanging and no external injury apart from ligature mark due to the handing was found on her person. Prima facie, it appears to be a case of suicide and considering the contradictory version about the cause of suicide as given in the information to the police through the second so called FIR, it is a fit case fro bail. Let the accused applicants Smt. Laxmi Thapa W/o Dil Bahadur Thapa and Smt. Kanta Thapa W/o Raj Bahadur Thapa, both residents of 59, Dobhalwala, P.S. Kotwali, district Dehradun be released on bail in case Crime No. 311 of 2002 Under Section 306/498A/304 B I.P.C. and ¾ Dowry Prohibition Act Police Station-Kotwali district Dehradun on each of them executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. Dehradun.

(Irshad Hussain, J.)

August 06, 2002.
M.P.S.